

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RUDY ROSENBERG; JACQUELINE
ROSENBERG; ELTHA JORDAN,

Plaintiffs,

-against-

CITY OF NEW YORK, *et al.*,

Defendants.

20-CV-3911 (LLS)

ORDER

LOUIS L. STANTON, United States District Judge:

Rudy Rosenberg, Jacqueline Rosenberg, and Eltha Jordan filed in this Court a *pro se* complaint and motions to proceed by pseudonym. Plaintiffs did not pay the filing fee, and none of the plaintiffs submitted applications for leave to proceed *in forma pauperis* (IFP). It was also not entirely clear that Jacqueline Rosenberg and Eltha Jordan intended to be parties to this action. By order dated May 22, 2020, Chief Judge McMahon issued an order directing Plaintiffs to remedy these issues within thirty days or have their claims dismissed without prejudice. The complaint and other submissions were designated “court-view only” pending resolution of the motions to proceed by pseudonym.

In documents that only Rudy Rosenberg signed (under pseudonym), he moved for Chief Judge McMahon’s recusal, reconsideration and “clarification” of the May 22, 2020 order, a temporary restraining order, to have his motions construed as notices of appeal, and other relief. (ECF Nos. 6-8.) By order dated July 20, 2020, this Court denied the motion to proceed by pseudonym and all other requested relief. Because only Rosenberg signed the motions (ECF Nos. 6-8), the Court dismissed without prejudice the claims of Jacqueline Rosenberg and Eltha

Jordan, and held that the action would proceed with Rudy Rosenberg as the sole plaintiff, under his real name, unless he notified the Court within 30 days that he wished to withdraw the action.¹

All three plaintiffs have submitted a new motion that is substantially similar to the motions previously filed by Rosenberg alone. (ECF No. 10.) The Court assumes familiarity with its July 20, 2020 order, and denies the relief sought in the new motion for the same reasons it denied Rosenberg's earlier motions.

The Court grants Rudy Rosenberg, Jacqueline Rosenberg, and Eltha Jordan one more opportunity to submit IFP applications. Within thirty days of the date of this order, Plaintiffs must either pay the \$400.00 in fees or submit the attached IFP applications. If Plaintiffs submit the IFP applications, they should be labeled with docket number 20-CV-3911 (LLS). Jacqueline Rosenberg and Eltha Jordan must also submit motions to reopen. If the Court grants the IFP applications, Plaintiffs will be permitted to proceed without prepayment of fees. *See* 28 U.S.C. § 1915(a)(1).

CONCLUSION

The Clerk of Court is directed to mail copies of this order to each Plaintiff, and note service on the docket.² The motion (ECF No. 10) is denied in all respects. If Rudy Rosenberg, Jacqueline Rosenberg, and Eltha Jordan wish to proceed with this action under their own names, each one of them must submit the attached IFP application within thirty days from the date of this order. Jacqueline Rosenberg and Eltha Jordan must also submit motions to reopen within

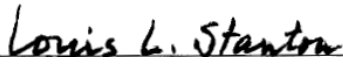
¹ That order mistakenly stated that Rosenberg had submitted an IFP application.

² Plaintiffs may also consent to receive court documents electronically. A [consent to electronic service form](#) is available on the Court's website at nysd.uscourts.gov.

thirty days from the date of this order. Failure to comply with this order will result in dismissal of the action.

SO ORDERED.

Dated: August 11, 2020
New York, New York



Louis L. Stanton
U.S.D.J.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

(full name of the plaintiff or petitioner applying (each person
must submit a separate application))

-against-

CV _____ () ()

(Provide docket number, if available; if filing this with
your complaint, you will not yet have a docket number.)

(full name(s) of the defendant(s)/respondent(s))

APPLICATION TO PROCEED WITHOUT PREPAYING FEES OR COSTS

I am a plaintiff/petitioner in this case and declare that I am unable to pay the costs of these proceedings and I believe that I am entitled to the relief requested in this action. In support of this application to proceed *in forma pauperis* (IFP) (without prepaying fees or costs), I declare that the responses below are true:

1. Are you incarcerated? ☐ Yes ☐ No (If "No," go to Question 2.)

I am being held at: _____

Do you receive any payment from this institution? ☐ Yes ☐ No

Monthly amount: _____

If I am a prisoner, *see* 28 U.S.C. § 1915(h), I have attached to this document a "Prisoner Authorization" directing the facility where I am incarcerated to deduct the filing fee from my account in installments and to send to the Court certified copies of my account statements for the past six months. *See* 28 U.S.C. § 1915(a)(2), (b). I understand that this means that I will be required to pay the full filing fee.

2. Are you presently employed? ☐ Yes ☐ No

If "yes," my employer's name and address are:

Gross monthly pay or wages: _____

If "no," what was your last date of employment? _____

Gross monthly wages at the time: _____

3. In addition to your income stated above (which you should not repeat here), have you or anyone else living at the same residence as you received more than \$200 in the past 12 months from any of the following sources? Check all that apply.

- | | | |
|--|------------------------------|-----------------------------|
| (a) Business, profession, or other self-employment | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (b) Rent payments, interest, or dividends | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

- | | | |
|---|------------------------------|-----------------------------|
| (c) Pension, annuity, or life insurance payments | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (d) Disability or worker's compensation payments | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (e) Gifts or inheritances | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (f) Any other public benefits (unemployment, social security, food stamps, veteran's, etc.) | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (g) Any other sources | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

If you answered "Yes" to any question above, describe below or on separate pages each source of money and state the amount that you received and what you expect to receive in the future.

If you answered "No" to all of the questions above, explain how you are paying your expenses:

4. How much money do you have in cash or in a checking, savings, or inmate account?

5. Do you own any automobile, real estate, stock, bond, security, trust, jewelry, art work, or other financial instrument or thing of value, including any item of value held in someone else's name? If so, describe the property and its approximate value:

6. Do you have any housing, transportation, utilities, or loan payments, or other regular monthly expenses? If so, describe and provide the amount of the monthly expense:

7. List all people who are dependent on you for support, your relationship with each person, and how much you contribute to their support (only provide initials for minors under 18):

8. Do you have any debts or financial obligations not described above? If so, describe the amounts owed and to whom they are payable:

Declaration: I declare under penalty of perjury that the above information is true. I understand that a false statement may result in a dismissal of my claims.

Dated

Signature

Name (Last, First, MI)

Prison Identification # (if incarcerated)

Address

City

State

Zip Code

Telephone Number

E-mail Address (if available)